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7 CHRISTIAN GREMMELS,
8 Plaintiff,
9 v.
10 APPLE INC., et al.,
11 Defendants.

Case No. [25-cv-03722-LJC](#)

**ORDER GRANTING IN FORMA
PAUPERIS APPLICATION; ORDER
TO SHOW CAUSE WHY COMPLAINT
SHOULD NOT BE DISMISSED**

Re: Dkt. Nos. 1, 2

I. Application for Leave to Proceed In Forma Pauperis

12 Plaintiff Christian Gremmels, proceeding pro se, has applied to proceed in forma pauperis.
13 ECF No. 2. Sufficient cause having been shown, Gremmels' application to proceed in forma
14 pauperis is GRANTED.

II. Sufficiency of Complaint

15 Having granted his request to proceed in forma pauperis, the Court must review
16 Gremmels' Complaint under 28 U.S.C. § 1915(e)(2)(B) to determine whether it states a claim on
17 which relief may be granted. A complaint must include "a short and plain statement of the claim
18 showing that the pleader is entitled to relief." Fed. R. Civ. P. 8(a)(2). When the complaint has
19 been filed by a pro se plaintiff, a court must "construe the pleadings liberally and...afford the
20 petitioner the benefit of any doubt." *Hebbe v. Pliler*, 627 F.3d 338, 342 (9th Cir. 2010) (citation
21 omitted). But "[t]hreadbare recitals of the elements of a cause of action...do not suffice," and a
22 court need not credit "legal conclusions" or "mere conclusory statements." *See Ashcroft v. Iqbal*,
23 556 U.S. 662, 678–79 (2009). The factual allegations in the complaint "must be enough to raise a
24 right to relief above the speculative level." *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007).
25 A complaint must demonstrate "facial plausibility" by pleading "factual content that allows the
26 court to draw the reasonable inference that the defendant is liable for the misconduct alleged."
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1 *Iqbal*, 556 U.S. at 678.

2 Gremmels purports to be suing Defendants Apple, Verizon, and Google under 47 U.S.C.
3 § 1004, which establishes:

4 A telecommunications carrier shall ensure that any interception of
5 communications or access to call-identifying information effected
6 within its switching premises can be activated only in accordance with
7 a court order or other lawful authorization and with the affirmative
8 intervention of an individual officer or employee of the carrier acting
9 in accordance with regulations prescribed by the [Federal
10 Communications] Commission.

11 47 U.S.C. § 1004 is a provision of the Communications Assistance for Law Enforcement Act,
12 47 U.S.C. §§ 1001-1010 (CALEA). CALEA requires telecommunications carriers to “ensure that
13 their networks are technologically capable of being accessed by authorized law enforcement
14 officials” so that law enforcement can conduct wiretapping over the networks. *Am. Council on
15 Educ. v. F.C.C.*, 451 F.3d 226, 228 (D.C. Cir. 2006). CALEA does not create a private right of
16 action for individuals to sue their telecommunications providers. *See* 18 U.S.C. § 2522(a)-(b)
17 (authorizing enforcement of CALEA by order of the court or a civil action by the Attorney
18 General).

19 Gremmels alleges that he began experiencing mental health problems caused by “chemical
20 fumes and spill interference” in 2015. ECF No. 1 (Compl.) at 9. To manage his mental health, he
21 began frequently calling his and emailing his brother for advice. *Id.* He subsequently began
22 calling and emailing motels. *Id.* at 9-10. Gremmels alleges that, over the past decade, he left his
23 brother over 60,000 voicemails through “Apple and Verizon” and sent his brother over 15,000
24 emails, but has not received a response. *Id.* He suspects that this may be due to his brother
25 receiving “false information through voicemail and email” or his brother’s responses being
26 “stolen.” *Id.* at 10.

27 Gremmels’ Complaint fails to state a cause of action because there are no factual
28 allegations that Defendants Apple and Verizon allowed the interception of communications
without a court order or other lawful authorization. Gremmels’ theory that his brother’s responses
may have been “stolen” or otherwise intercepted is not sufficient “to raise a right to relief above
the speculative level.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007); Compl. at 10. He

1 does not allege that Defendant Google was involved in any way. If Gremmels wishes to proceed
2 with his claim, he must file an amended complaint that includes enough facts to “allow the court
3 to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Iqbal*,
4 556 U.S. at 678. Additionally, he must assert a claim that allows for a private cause of action.
5 Gremmels is accordingly ORDERED TO SHOW CAUSE why his Complaint should not be
6 dismissed for failure to state a claim on which relief may be granted.

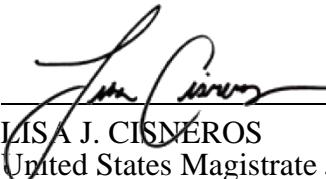
7 **III. Conclusion**

8 To respond to the Order to Show Cause, Gremmels may file, no later than June 4, 2025, an
9 amended complaint identifying what law he believes Defendants violated, why he is allowed to
10 sue Defendants, and enough facts to support his claim, including (but not necessarily limited to)
11 facts showing that his phone calls, voicemails, and/or emails were intercepted.

12 An amended complaint would completely replace Gremmels’ current Complaint, and therefore
13 must include all of the facts that he would like to allege and claims he would like to pursue,
14 without reference to the current Complaint. If Gremmels’ response does not correct the defects
15 identified in this Order, the undersigned magistrate judge will recommend either denial of his
16 application to proceed in forma pauperis or dismissal of his Complaint. If Gremmels does not
17 respond at all, the undersigned may recommend dismissal of the case for failure to prosecute.

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20 **IT IS SO ORDERED.**

21 Dated: May 7, 2025

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Lisa J. CISNEROS
United States Magistrate Judge

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